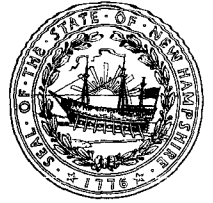




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Jay Jhala
Best Western
97 Hall Street
Concord, New Hampshire 03101

LETTER OF DEFICIENCY
WMB PBP 06-016
October 2, 2006

Dear Mr. Jhala:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:27 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Wq 1100 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On September 27, 2006 DES inspected the following public bathing facilities at the Best Western in Concord, NH: the indoor pool ("Indoor Pool") and spa ("Spa").

During this inspection, the following deficiencies were noted:

1. A recommendation to close the Spa was issued on September 27, 2006. The inspection on September 27, 2006 revealed that the Spa was in violation of Env-Wq 1105.10 and unsafe for public use. The following bacterial violations were observed in the Spa water:
 - a. Pursuant to Env-Wq 1105.10(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Spa water contained 7 CTS/100mL of total coliform bacteria.
 - b. Pursuant to Env-Wq 1105.10(a)(2) the maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
2. Env-Wq 1105.10(b)(7) requires a bromine concentration between 2.0 mg/L and 10.0 mg/L in public spa water. The bromine concentration of the Spa water was zero mg/L on September 27, 2006. A recommendation to close and drain the Spa was issued on September 27, 2006.
3. Env-Wq 1105.10(b)(1) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Spa water was 6.8 on September 27, 2006.

Env-Wq 1107.03(d)(4), requires that the circulation system on a spa be plumbed such that each suction outlet shall be protected by a safety vacuum release system that complies with ASME/ANSI A112.19.17, published 2002. The Spa does not have a safety vacuum release system installed.

Please note that a safety vacuum release system will be required by 2010.

The installation of the safety vacuum release system will minimize the possibility of injury or drowning accidents due to suction entrapment.

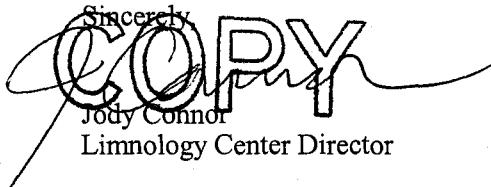
Best Western
WMB PBF 06-016
October 2, 2006
Page 2

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:27 and Env-Wq 1101-1105. After a violation of Env-Wq 1105.10(a)-(d), the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Wq 1101-1110 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.nh.gov/Pools/>

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 7255

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Tim Wilson, Public Bathing Facility Coordinator, DES
Eugene Blake, Health Officer, City of Concord